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refuted. On the other hand Grant's foresight and firmness are made much of.

To Grant properly belongs a large share of credit for the diplomatic triumphs won during his Administration. Hamilton Fish, to be sure, as Secretary of State, was "far-seeing, firm, and sensible, but he would have been quite futile without Grant. It was the steady backing of the White House that made it possible for Fish to carry through his foreign policy." Even in the unhappy business of San Domingo, Grant's prevision has been justified. To Grant, too, must be given the honor for establishing the principle of arbitration in international disputes. If at any time his conduct in regard to the American claims upon Great Britain had been marked by vacillation, this result could not have been achieved. He was among the first, moreover, to encourage the principle of a World's Congress, as afterwards embodied in the Hague Tribunal.

His influence upon domestic policies is in general no less to be commended. Though Congress did not permit him to establish firmly a reformed civil service, "he gave reform an impetus which has continued to this day." He strongly urged the building of an American merchant marine. He was the first President to call emphatic attention to the peril of an ignorant foreign-born electorate. His veto of the Inflation Bill was "the turning-point in the financial policy of the United States. If Grant had done no other praiseworthy thing during his eight years of office, this in itself would have given him rank among our great executives."

Examined in detail the record as set forth by Mr. Coolidge is an impressive one, and there would seem to be justice in the conclusion that "if we except the baneful Southern problem, which was bequeathed to him, and where his fault, if fault there was, lay in the rigid execution of the law, it would be hard to place the finger upon an executive policy approved by Grant which subsequent experience has condemned."

BUSINESS COMPETITION AND THE LAW. By GILBERT H. MONTAGUE. New York: G. P. Putnam's Sons, 1917.

Although there has been, first and last, a good deal of discussion of the anti-trust law as a broad public policy—as a means of preventing abuse of power by huge corporations—it has never been easy for any one but a lawyer to find out just how the law affects every-day trade conditions. Persons who have never been in danger of violating the Sherman Act have doubtless been content to believe that the law touches only gross and obvious abuses. Business men, on the other hand, have frequently complained of the difficulty of distinguishing between what is legal and what is illegal. It is clear

that the law may bear heavily upon some who are not conscious violators. A certain insignificant and unobtrusive manufacturer who secured from each dealer to whom he sold his goods a straight contract binding the dealer to resell the goods at a specified price, was compelled to recall his contracts on pain of a Grand Jury proceeding under the criminal sections of the Sherman Act, and several months later went into bankruptcy. "To apply to him the epithets reserved for violators of the Federal anti-trust laws sounds like a huge joke. Yet the machinery designed for curbing predatory business . . . pulverized him quietly and expeditiously."

Gilbert H. Montague's book entitled *Business Competition and the Law*, from which the foregoing instance is taken, does what such broad discussions of legal principles and precedents as William H. Taft's admirable book, *The Anti-trust Act*, do not accomplish: it shows in detail how the law bears upon small business as well as big business. Mr. Montague gives clear and concrete answers to questions which almost any business man may sometime need to consider. He discusses exclusive dealer agreements, the scope of patent protection, "tying contracts," the problem of price-cutting, the status of trade associations.

The whole matter is not extremely difficult to understand, and yet the results of the law are in many cases not precisely what would be anticipated. Thus, Mr. Montague's book—which sets out to show not how the law may be evaded, but how it must be obeyed—is needed. The case of the Continental Tobacco Company is instructive as pointing out one kind of pitfall. The defendant in this case was a salesman employed by the company to solicit orders from purchasers. The trial judge charged the jury that "if you are satisfied that the defendant offered for sale to the person or concern named in either count of the indictment the plug tobacco made by the Continental Tobacco Company upon more favorable terms if such person or concern should not sell or deal in the plug tobacco of any other person—it will be your duty to find the defendant guilty under any such count." Upon this instruction the defendant was convicted. When the case was appealed, the Massachusetts Supreme Court reversed the conviction, but intimated that if the terms offered by the defendant were such as virtually to make it prohibitive to purchase except by those who sold only his employer's goods, the case would be very different. Thereupon the defendant was promptly placed on trial again, and again convicted. On appeal, the Supreme Court this time sustained the conviction.

The case just noted shows clearly how fine in practise may be the theoretically clear distinction that the courts make between legality and illegality. Other cases, varying widely in cause and subject-matter, illustrate exactly the same difficulty. In reading Mr. Montague's discussion one is constrained to believe that though

the courts have on the whole interpreted the law in a manner as clear and consistent as is humanly possible, the business man who would avoid all danger of prosecution has need of something more than ordinary honesty and ordinary common sense—he has need of full information and of extreme caution. It is upon the principle of *intent* that the court necessarily bases its decisions, and intent is not easily determined. Mr. Montague has been notably successful in tracing the effect of this principle through a number of well-chosen cases, and in showing by concrete instances the dubiety to which it may give rise. Not only does he analyze court decisions but he explains—what may be of even more practical importance—the view of the Government as to what constitutes violation of the law, as embodied in so-called “consent-decrees.”

Mr. Montague has written a well-conceived and useful book—a book that may be read with profit not only by business men, but by all who wish to study the workings of a law that is also a public policy.

THE MAN IN COURT. By FREDERIC DEWITT WELLS. New York: G. P. Putnam's Sons, 1917.

This book is in a high degree enjoyable, because it satisfies a long-felt impulse to smile at court formalities, and because it removes perplexities that probably have chafed in some degree the mind of almost every reader who is not a lawyer. The book gives relief to a smothered instinct of rebellion, both by pointing out the reasons for some things that seem unreasonable, and by recognizing as justifiable the ordinary man's dissatisfaction with court procedure. Each chapter is a visualization of a scene in court and also a shrewd analysis of human nature.

The mind of the judge, burdened as he is with real responsibilities, with endless technicalities, and with the necessity of being, or at any rate of seeming, important, is quite frankly exposed. “His position is not exactly one of bluff, but he is the central figure of the stage; like the actor's profession, the judge's job makes him an egotist. . . . He is supposed to know the law; at least he ought to know court procedure and the law of his State thereon by heart. In New York State, for example, the Code of Civil Procedure is five hundred thousand words long. He is bound to take judicial notice, without being told, of all the statutes of the State Legislature, which are being passed at the rate of six hundred a year. He is also supposed to know the laws of the United States passed at Washington, and to be thoroughly familiar with the latest decisions of the Supreme Court of the United States, and those for the past hundred and twenty-five years. He must understand and look as though he knew beforehand any decisions of the courts of his own